

REMARKS

Claims 10-22 have been rejected under 35 USC 102(b) as anticipated by Eftechiou. The rejection is respectfully traversed.

Eftechiou is generally related to a telephone privacy and alerting device for connection between a common telephone line and device. The device in Eftechiou includes an alerting circuit to be installed on a conventional telephone line that indicates an alarm when a further device is connected to the telephone line. According to Eftechiou, the circuit has to be coupled between the telephone and the telephone line, and is formed such that if one first telephone coupled to the telephone line is in an off-hook-state the circuit will automatically output an alarm signal when a second device is coupled to the same line.

Eftechiou, however, fails to disclose that the device is examining a transmission function of the subscriber line. As disclosed in the instant specification, for example at paragraph [0015], and as is well known in the art, the transmission function of a communication line is a complex function describing the characteristics of the transmission line in different wave bands. Such a function is not disclosed in Eftechiou. It should also be noted that the use of transmission functions and the detailed examination of telephone lines are only necessary in and used for newer communication methods like DSL systems that require a much higher data rate than conventional telephone services. As Eftechiou does not disclose a DSL systems, but only focuses on conventional telephone systems, one skilled in the art is not lead to the invention through the disclosure of Eftechiou. Moreover, as Eftechiou does not disclose DSL modems or any other devices suited to transmit data at high bit rates over conventional telephone lines, Eftechiou also does not deal with the problem of these kinds of communications being wiretapped. Indeed, a device as disclosed in Eftechiou does not provide for protecting data communications using methods like DSL. Therefore, the claimed invention, namely the detecting of a further communication device coupled to a telephone line by examining and monitoring the transmission function of a telephone line, is patentable.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing, referencing Attorney Docket No. 119010-141.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY 

Kevin R. Spivak

Reg. No. 43,148

Customer No. 29177

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